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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,675	02/11/2004	Ronald Helmut Haag	DP-309319	3823

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EXAMINER

GLASS, ERICK DAVID

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/776,675

**Applicant(s)**

HAAG ET AL.

**Examiner**

Erick Glass

**Art Unit**

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 13-16, 18-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 9, 12, 17 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/11/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1-8, 10-11, 13-16, 18-22, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Wiemeersch (PGPUB 2002/0074959).

With respect to claim 1, Van Wiemeersch discloses an object detection sensor (fig. 2, 32) located on a movable door (fig. 2, 14) for sensing an object within a sensing zone, wherein the sensing zone is adjustable (para 0024, lines 9-13); a door position sensor (para 0004) for sensing position of the door relative to at least one of open and closed door positions; and a controller (fig. 2, 48) for adjusting the sensing zone (para 0024, lines 9-13) of the object detection sensor as a function of the sensed door position.

With respect to claim 2, Van Wiemeersch discloses wherein the door is a powered door on a vehicle (fig. 1, 10).

With respect to claim 3, Van Wiemeersch discloses wherein the powered door is a powered lift gate (fig. 2, 14).

With respect to claim 4, Van Wiemeersch discloses wherein the object detection sensor is located so that the sensing zone covers the opening path of the door (para 0024, lines 9-13).

With respect to claim 5, Van Wiemeersch discloses wherein the controller further changes movement of the door when an object is sensed in the sensing zone (para 0004).

With respect to claim 6, Van Wiemeersch discloses wherein the controller reverses direction of movement of the door when the object is sensed in the sensing zone (para 0004).

With respect to claim 7, Van Wiemeersch discloses wherein the object detection sensor comprises a radar sensor (para 0015, line 5).

With respect to claim 8, Van Wiemeersch discloses wherein the sensor comprises first and second radar sensors (para 0015, line 1).

With respect to claim 10, Van Wiemeersch discloses an object detection sensor (fig. 2, 32) located on a movable door (fig. 2, 14) for sensing an object within a sensing zone, wherein the sensing zone is adjustable (para 0024, lines 9-13); a door position sensor (para 0004) for sensing position of the door relative to at least one of open and closed door positions; and a controller (fig. 2, 48) for adjusting the sensing zone (para 0024, lines 9-13) of the object detection sensor as a function of the sensed door position, wherein the controller (fig. 3, 48) further changes movement of the powered door when an object is sensed in a sensing zone (para 0004).

With respect to claim 11, Van Wiemeersch discloses wherein the controller changes movement of the powered door so as to reverse direction of movement (para 0004) of the powered door upon detecting an object in the sensing zone.

With respect to claim 13, Van Wiemeersch discloses wherein the object detection sensor is located so that the sensing zone covers the opening path of the door (para 0024, lines 9-13).

With respect to claim 14, Wiemeersch discloses wherein the powered door is a powered lift gate (fig. 2, 14).

With respect to claim 15, Van Wiemeersch discloses wherein the object detection sensor comprises a radar sensor (para 0015, line 5).

With respect to claim 16, Van Wiemeersch discloses wherein the sensor comprises first and second radar sensors (para 0015, line 1).

With respect to claim 18, Van Wiemeersch discloses sensing (fig. 2, 32) the presence of an object within an adjustable sensing zone (para 0024, lines 9-13); sensing position of a movable door (para 0004) relative to at least one of open and closed door positions; and adjusting the sensing zone (para 0024, lines 9-13) as a function of the sensed door position.

With respect to claim 19, Van Wiemeersch discloses the step of changing movement of the door (para 0004) when an object is sensed in the sensing zone.

With respect to claim 20, Van Wiemeersch discloses the step of changing movement of the door comprises reversing direction of movement (para 0004) of the door when the object is sensed in the sensing zone.

With respect to claim 21, Van Wiemeersch discloses the step of sensing the presence of an object within an adjustable sensing zone comprises generating the sensing zone in the opening path of the door (para 0024, lines 9-13).

With respect to claim 22, Van Wiemeersch discloses the step of sensing the presence of an object within an adjustable sensing zone comprises transmitting and receiving radar signals (para 0015, line 5). The use of a radar sensor would comprise transmitting and receiving radar signals.

With respect to claim 24, Van Wiemeersch discloses the step of sensing position of the door (para 0004) comprises sensing position of a powered door on a vehicle (fig. 1, 10).

With respect to claim 25, Van Wiemeersch discloses wherein the powered door comprises a powered lift gate (fig. 2, 14).

***Allowable Subject Matter***

Claims 9, 12, 17, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Claims 9, 17, and 23 are allowable because the radar sensor is a differential pulsed Doppler radar sensor having a dynamic range gate. Claim 12 is allowable because the controller prevents reversal of direction of movement of the powered door once the powered door position reaches a predetermined position.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is 571-272-8395. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EG



KIMBERLY LOCKETT  
PRIMARY EXAMINER